

AMENDED IN ASSEMBLY APRIL 14, 2009

AMENDED IN ASSEMBLY MARCH 24, 2009

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 701

Introduced by Assembly Member Fong

February 26, 2009

An act to amend *and repeal* Section 20112 ~~of of~~, and to add Section 20112.1 to, the Public Contract Code, relating to public contracts.

LEGISLATIVE COUNSEL'S DIGEST

AB 701, as amended, Fong. School districts: contracts: formal bids: notices.

Existing law requires that a school district that seeks to let a contract involving a specified minimum expenditure for the purchase of equipment, materials, or supplies to be furnished, sold, or leased to the school district, or involving a specified minimum expenditure on a public project, publish a notice calling for bids on the contract at least once a week for ~~two~~ 2 weeks in ~~a newspaper of general circulation~~ *specified newspapers*, stating the work to be done or materials or supplies to be furnished and the time when and place where the bids will be opened. Existing law also allows the notice to be posted on the district's Internet Web site or through an electronic portal.

This bill would, *as of January 1, 2015, repeal the provisions requiring publication of a notice calling for bids in specified newspapers as of January 1, 2015, and would additionally require the notice to be posted on the district's Internet Web site or through an electronic portal, or on another Internet Web site or electronic portal if the district does not maintain an Internet Web site.*

By imposing new requirements on school districts, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 20112 of the Public Contract Code is
2 amended to read:

3 20112. (a) For the purpose of securing bids the governing
4 board of a school district shall publish at least once a week for two
5 weeks in a newspaper of general circulation published in the
6 district, or if there is no such paper, then in a newspaper of general
7 circulation, circulated in the county, and shall post on the district's
8 Internet Web site or through an electronic portal, a notice calling
9 for bids, stating the work to be done or materials or supplies to be
10 furnished and the time when and the place and the Internet Web
11 site where bids will be opened. Whether or not bids are opened
12 exactly at the time fixed in the public notice for opening bids, a
13 bid shall not be received after that time. The governing board of
14 the district may accept a bid that was submitted either electronically
15 or on paper.

16 (b) *This section shall become inoperative on July 1, 2014, and*
17 *as of January 1, 2015, is repealed.*

18 SEC. 2. Section 20112.1 is added to the Public Contract Code,
19 to read:

20 20112.1. (a) *For the purpose of securing bids, the governing*
21 *board of a school district shall post on the district's Internet Web*
22 *site or through an electronic portal, a notice calling for bids. The*
23 *notice calling for bids shall state the work to be done or the*
24 *materials or supplies to be furnished and the time, place, and*
25 *Internet Web site where bids will be opened. The governing board*
26 *of the school district may accept a bid that was submitted*

1 *electronically or on paper. A bid shall not be received after the*
2 *time fixed in the public notice for opening bids, whether or not*
3 *bids are opened exactly at that fixed time.*

4 *(b) If a school district does not possess or maintain an Internet*
5 *Web site, then the school district shall post a notice calling for*
6 *bids on another Internet Web site or electronic portal, and shall*
7 *provide notice of that Internet Web site or electronic portal at least*
8 *once a week for two weeks, following the school district's choice*
9 *of an Internet Web site or electronic portal, in a newspaper of*
10 *general circulation published in the school district, or if there is*
11 *no such paper, then in a newspaper of general circulation,*
12 *circulated in the county.*

13 *(c) A school district may also distribute a notice calling for bids*
14 *through any other means, including, but not limited to, newspapers,*
15 *trade or professional journals, Internet Web sites, electronic mail,*
16 *or other print publications or electronic means.*

17 ~~SEC. 2.~~

18 *SEC. 3. If the Commission on State Mandates determines that*
19 *this act contains costs mandated by the state, reimbursement to*
20 *local agencies and school districts for those costs shall be made*
21 *pursuant to Part 7 (commencing with Section 17500) of Division*
22 *4 of Title 2 of the Government Code.*